

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRYL CARTER,
Plaintiff,
v.
RASIER-CA, LLC, et al.,
Defendants.

Case No. 17-cv-00003-HSG
ORDER DISMISSING CASE

On January 3, 2017, Plaintiff Darryl Carter filed a pro se complaint against Defendants Raiser-CA LLC, and Uber Technologies, Inc. On September 15, 2017, the Court granted Defendants' motion to dismiss the complaint for failure to state a claim upon which relief can be granted. *See* Dkt. No. 40. The Court instructed Plaintiff that he had until October 6, 2017, to file an amended complaint and cautioned that "[f]ailure to file an amended complaint by this deadline may result in the dismissal of the action without leave to amend." *Id.* at 9. Plaintiff failed to file a timely amended complaint. Instead, Plaintiff filed a notice informing the Court that he "does not, at this time, intend to file an amended pleading." Dkt. No. 41 at 2.

The Court interprets Plaintiff's notice to mean that he cannot allege facts to cure the defects identified in the Court's previous order. *See* Dkt. Nos. 40. The Court therefore **DISMISSES** the case without leave to amend. *See Zucco Partners, LLC v. Digimarc Corp.*, 552 F.3d 981, 1007 (9th Cir. 2009) ("[W]here the Plaintiff has previously been granted leave to amend and has subsequently failed to add the requisite particularity to its claims, [t]he district court's discretion to deny leave to amend is particularly broad." (quotation omitted)); *cf. Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1064 (9th Cir. 2004) ("[A] plaintiff may obtain an appealable final judgment by fil[ing] in writing a notice of intent not to file an amended complaint."


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(quotation omitted)).

The clerk is directed to enter judgment in favor of Defendant and to close the case.

IT IS SO ORDERED.

Dated: 10/13/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge